

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**ALICE JORGENSEN, As Special
Representative and as Special
Administrator of the Estate of HELEN
GORSKI, Deceased,**

Plaintiff,

v.

**SUNRISE SENIOR LIVING, INC., a
foreign corporation, d/b/a SUNRISE OF
SCHAUMBURG, f/k/a SUNRISE
ASSISTED LIVING CENTER; SUNRISE
SCHAUMBURG ASSISTED LIVING,
L.L.C.; SUNRISE SENIOR LIVING
MANAGEMENT, INC., a foreign
corporation, f/k/a SUNRISE ASSISTED
LIVING MANAGEMENT, INC.;
SUNRISE SENIOR LIVING
INVESTMENTS, INC., a foreign
corporation; ALEXIAN BROTHERS
MEDICAL CENTER, Individually and
d/b/a OLDER ADULT HEALTHCARE;
OLDER ADULT HEALTHCARE;
SUNRISE THIRD SCHAUMBURG SL,
LLC; SUNRISE THIRD (Pool I), LLC;
SUNRISE THIRD (Pool II), LLC; and
SUNRISE THIRD (Pool III), LLC,**

Defendants.

**Civil Action No. 07 cv 6353
Magistrate Judge Denlow
Judge Gottschall**

**(Circuit Court Cook County, Illinois
Case No. 07 L 9434)**

**PLAINTIFF'S MOTION TO REMAND CASE BACK TO STATE COURT
DUE TO LACK OF COMPLETE DIVERSITY**

NOW COMES the Plaintiff, Alice Jorgensen, as Special Representative and as Special Administrator of the Estate of Helen Gorski, Deceased, by her attorneys, Levin & Perconti, and respectfully requesting this Court to enter an Order remanding this matter back to the Circuit Court of Cook County, Illinois, states as follows:

1. On November 8, 2007, certain Defendants, Sunrise Senior Living, Inc., Sunrise Schaumburg Assisted Living, L.L.C.; Sunrise Senior Living Management, Inc., Sunrise Senior Living Investments, Inc., Sunrise Third Schaumburg SL, LLC; Sunrise Third (Pool I), LLC; Sunrise Third (Pool II), LLC; and Sunrise Third (Pool III), LLC, filed, *inter alia*, a Notice of Removal, which was subsequently granted by this Court.

2. Due to an error in the address of Plaintiff's attorneys' office, Plaintiff's attorneys were unaware of such Notice of Removal until November 26, 2007, when they received when he received an appearance by co-Defendant, Alexian Brothers Medical Center, individually and d/b/a Alexian Brothers Older Adult Healthcare, bearing a federal case caption and case number. Had they gotten notice of this sooner, Plaintiff's attorneys would have brought this matter to the Court's attention sooner.

3. With all due respect, Plaintiff submits that the moving Defendants were in error when they filed their Notice of Removal based on diversity jurisdiction.

4. To justify removal based on diversity jurisdiction, there must be complete diversity. (See, e.g., *Strawbridge v. Curtiss*, 3 Cranch 267 (U.S. 1806).) In support of their Notice of Removal, the moving Defendants only argued the various states of incorporation to establish complete diversity. The moving Defendants conveniently omitted any information in their Notice of Removal about any of the Defendants' principal place of business.

5. For purposes of diversity jurisdiction, "a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. § 1332(c). (See, e.g., *Jason Foods, Inc., an Illinois corporation, v. Peter Eckrich & Sons, Inc.*, a Delaware corporation, 768 F.2d

189, 190 (7th Cir, 1985) (where federal jurisdiction was based on diversity of citizenship, “pleading [complaint] was found to be insufficient to establish diversity jurisdiction because it does not identify Eckrich's principal place of business. If that is Illinois, there is no diversity jurisdiction in this case.”)

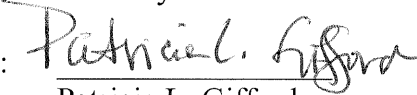
6. Defendant Alexian Brothers Medical Center has its principal place of business in the Village of Elk Grove, County of Cook, and State of Illinois. Specifically, the Alexian Brothers Older Adult Healthcare Practice works with 12 assisted living and long-term care centers in Cook and surrounding counties. (See Alexian Brothers internet listings of the “Alexian Brothers Hospital Network,” and “Older Adult Institute,” all of which are located in Illinois, attached as Exhibit “A” & “B,” respectively.)

7. Consequently, there is no complete diversity present and this matter should not have been removed to federal court on that basis.

WHEREFORE, the Plaintiff, ALICE JORGENSEN, as Special Representative and as Special Administrator of the Estate of HELEN GORSKI, Deceased, respectfully requests this Court to enter an Order remanding this matter back to the Circuit Court of Cook County, Illinois, with any costs of remand being taxed to the moving Defendants.

Respectfully submitted,

LEVIN & PERCONTI
Attorneys for Plaintiff

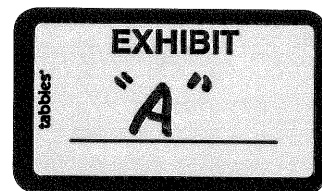
By: 
Patricia L. Gifford

LEVIN & PERCONTI
325 N. LaSalle Street
Suite 450
Chicago, IL 60602
312.332.2872
312.332.3112 FAX

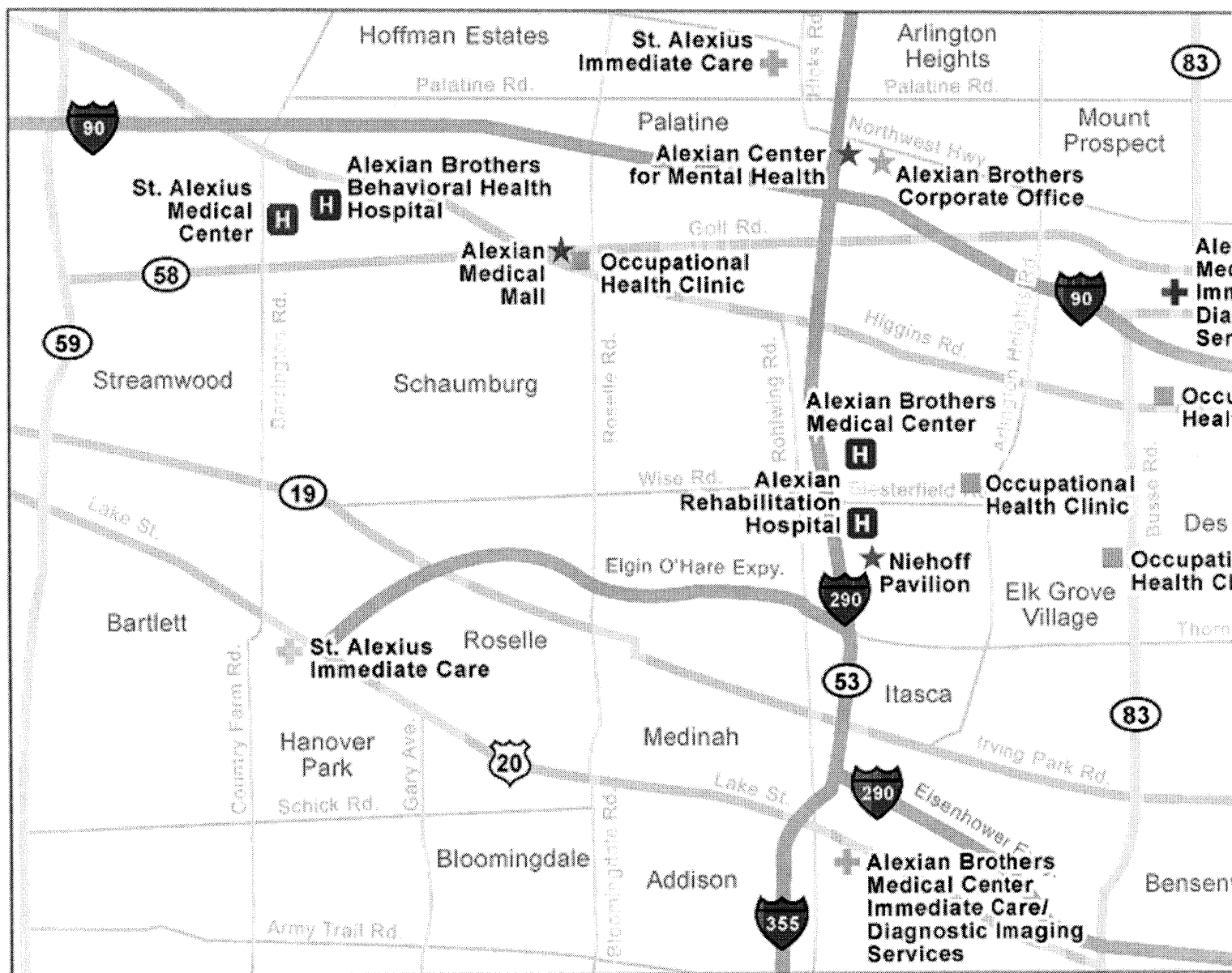


[Home](#) [About Us](#) [Donate](#) [Volunteer](#) [Maps & Directions](#) [Contact Us](#)

[Learn more about the Alexian Brothers.](#)



Alexian Brothers Hospital Network keeps growing to serve your healthcare needs.



**H Alexian
Rehabilitation
Hospital**

**H Alexian Brothers
Behavioral Health
Hospital**

**H Alexian
Brothers Medical
Center**

**H St. Alexis Medical
Center**

**Occupational
Health Clinics**

1555 Barrington Rd.

1240 N. Busse Rd.

935 Beisner Rd. Elk Grove Village, IL 60007 847-640-5600	1650 Moon Lake Blvd. Hoffman Estates, IL 60169 1-800-432-5005	800 Biesterfield Rd. Elk Grove Village, IL 60007 847-437-5500 TDO 847-956-5116	Hoffman Estates, IL 60169 847-843-2000	Bensenville, IL 60106 847-228-6407 136 Besterfield Rd. Elk Grove Village, IL 60007 847-981-5910
--	---	---	---	---

★ **Alexian Brothers Health System, Corporate Office** ★ **Niehoff Pavilion**

955 Beisner Rd.
Elk Grove Village, IL 60007
3040 West Salt Creek Lane
Arlington Heights, IL 60005
847-818-5100

★ **Alexian Center for Mental Health**

3350 West Salt Creek Lane
Arlington Heights, IL 60005
847-952-7460

★ **Alexian Medical Mall**

347 W Golf Rd.
(In Golf Point Plaza)
Schaumburg, IL 60195
847-252-8820

2424 Landmeier Rd.
Elk Grove Village, IL 60007
842-758-2988

361 Golf Rd.
Shaumburg, IL 60195
847-952-7447

✚ **St. Alexius Medical Center Immediate Care Center**

1515 Lake St.
Hanover Park, IL 60133
847-540-5285

✚ **Alexian Brothers Medical Center Immediate Care Center/ Diagnostic Imaging Services**

1339 Lake St.
Addison, IL 60101
630-930-5600

✚ **St. Alexius Medical Center Immediate Care Center**

231 E. Northwest Highway
Palatine, IL 60067
(Between Hobby Lobby and Ace Hardware)
847-202-6060

✚ **Alexian Brothers Medical Center Immediate Care Center/ Diagnostic Imaging Services**

1060 S. Elmhurst Rd.
Mt. Prospect, IL 60056
224-265-9000

Also located at each of the Alexian Immediate Care Centers



[Home](#) [About Us](#) [Donate](#) [Volunteer](#) [Maps & Directions](#) [Contact Us](#)

[Learn more about the Alexian Brothers.](#)

Alexian Brothers Older Adult Services

- [About Us](#)
- [Contact Us](#)
- [Foundation](#)
- [Our Services](#)

•
•

I'd Like To:

- [Participate in Clinical Trials](#)
- [Find Health Screenings](#)
- [Search Health Encyclopedia](#)

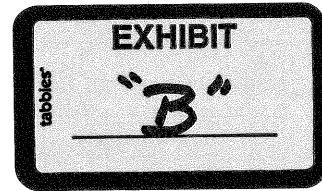
News

[Alexian Older Adult Institute Promotes Quality in Later Years](#)

Alexian Brothers Older Adult Institute Promotes Quality in Later Years



The demographics are changing. The number of people over age 65 is constantly increasing, now adding up to an estimate of more than 36 million nationwide, or about twelve percent of the population. This trend is certainly a testament to the medical care that elders receive, but how do we know that seniors are leading fulfilling lives? How can we be sure to promote quality in later years along with longevity?



These are the questions that outline the philosophy of the Older Adult Institute, one of the specialized health care units known as the Alexian Brothers Hospital Network Centers of Excellence. Since the Institute was founded in 2004, it has focused itself on the holistic vision of its patients with not merely determination, but compassion. With various educational programs designed to keep seniors up-to-date with medical practices, the Older Adult Institute has made its patients less apprehensive about preventive and comprehensive care.

Achieving this goal starts with a sixty minute evaluation, where geriatricians conduct thorough physical examinations and review the complete medical histories of their patients-procedures that are normal for first time visits. Where the Older Adult Institute exceeds expectations is with the social and psychological evaluations that are standard with every initial screening. Such extensive medical reviews may seem impractical in the face of rising insurance and the low return of Medicare, but the rewards can override profitable concerns.

"I recognize to be able to spend an hour with a patient is a luxury," stresses Glumm. "There is no one way to quantify the long term value of this."

This final portion of the examination is crucial in determining patients' mental health and their overall attitudes toward health care. What follows is an assessment of cognitive functions that looks for the signs and symptoms such as memory loss of Alzheimer's Disease. Once all the evaluation processes are complete, physicians discuss the possible plans of care with patients, including details related to advance directives.

"What we see in the long run is that when things happen to people unexpectedly, that is not the time to say, "What do we do now?"" says Glumm. She emphasizes that, as long as seniors are kept comfortable, discussing their wishes in the privacy of the confidential patient-physician relationship is comforting for everyone involved.

"The families themselves appreciate that someone else can ask those questions," says Glumm. And if something does happen, the doctors know that they are complying with their patients' regards. "It's an informed decision for the physicians to make, because they already know their wishes," says Glumm. "The Older Adult Healthcare practice has a more functional approach on how to deal with the issues that are going on," says Sarah Glumm, RN, BSN, MPH confidently on behalf of the physicians that help her maintain the Older Adult Institute's reputation. As director of the Older Adult Institute since July 2005, Glumm has worked to build rapport with elderly patients, an essential strategy to ensure that seniors take control of their health and reach optimum levels of activity.

The Older Adult Healthcare Practice works with 12 assisted living and long-term care centers in Cook and surrounding counties. In pushing for seniors to be active, however, patients are encouraged to visit clinic sites at The Garlands in Barrington, Lutheran Home and Services in Arlington Heights, and Alexian Brothers Medical Center in Elk Grove Village.

"There are a lot of people in their 90s that go to these clinics and still live in their home/apartments," says Glumm.

These results highlight one of the main goals of the Older Adult Institute: to keep patients independent as long as they are able. And the true beauty of Alexian Brothers' geriatric care-which, in 2005, was ranked 29th in US News & World Report's survey of the top 50 programs nationwide-is that the Older Adult Institute is not alone.

Working in conjunction with seven other Centers of Excellence, the Institute is able to work with a team to ensure that its patients are receiving outstanding healthcare across the board. Joan Bornack, RN, onc. and director of the Orthopedic Center of Excellence, clarifies Alexian's commitment to geriatric care. "The population is getting more active, and our focus is to keep them that way," says Bornack.

But the main focus is not on the final wishes of the patients-it's being able to catch diseases early and keep seniors active and thriving. Kimberlee Curnyn, MD director of the Ophthalmology Center of Excellence, gives one example of how the Centers of Excellence often function as a team to provide overarching preventive care. "Some diseases, like diabetes and high blood pressure, can be recognized through the eye," says Curnyn. In such an instance, Curnyn can then direct the patient to the necessary physician in cardiac care. While such overlaps may not present themselves on a daily basis, they do happen-and proper handling of such situations can result in those important early diagnoses.

By focusing on prevention, everyone benefits. "When you do the right things- the right things happen for everyone", says Glumm.

This positive assurance is not unique to Glumm: Roger Weise, M.D., Medical Director of both the Older Adult Institute and Older Adult Health Care at Alexian Brothers Medical Center, echoes the importance of the emotional well being. "It really helps for people to understand that aging is supposed to make you a better person overall," says Weise.

He does explain to his patients that they should not expect to have an immaculate physical frame at 65 and up, but that's not the point. Weise says that people age physically, emotionally, socially and spiritually-and he believes that the latter category is by far the most important.

"If they have a healthy spirit, they'll do well no matter what happens," he says.

In a moment of reflection, Weise recounts one such patient who spent her later years living up to this ideal. "I think the oldest person we ever had was 109," he says, fondly recollecting. "She got remarried at 98 to an 86 year old guy- she told me she was robbing the cradle."

This determining value is also important to Christine Sommerfeldt, Executive Director for the Rehabilitation Center of Excellence. Whether she's helping patients learn to use equipment for Parkinson's Disease, maximize vision efficiency techniques or deal with arthritis-related issues, the success rate often comes down to attitude. "A disability can be a scary thing," says Sommerfeldt, but she emphasizes that progress can only occur once patients conquer the "I'm getting old; I'll ignore this" mentality.

Sommerfeldt, who worked with the Older Adult Institute for the Senior Fair event, was ecstatic with the results, and she's excited for the next fair, which will be held on May 30, 2007. "The Senior Fair is great," says Sommerfeldt. "It attracted a lot of attention, it's free and it brought more people than would normally come for a sore back. Sommerfeldt also emphasizes that, without the interconnectedness of the Centers of Excellence, much of this progress toward preventive care would not be possible.

Working with such mindsets identified by Sommerfeldt, can be especially problematic for Nick De Los Santos, M.D., Medical Director of the Geropsychiatric Unit at Alexian Brothers Behavioral Health Hospital. "This is a generation that does not believe in mental health," says De Los Santos. "They find going to a psychiatrist insulting."

Getting rid of that stigma is difficult-both for patients and their families. This can especially be problematic for patients with dementia, as their caregivers may not want to seek outside help even when they are unable to care for their confused or even aggressive loved ones. But for De Los Santos-and for everyone else involved in geriatrics-there has been one universal solution.

That kind of mindset can only be changed through educational efforts, and that's precisely why the Older Adult Institute and other Centers of Excellence use community outreach programs to teach seniors that seeking proper medical care-even for problems that are not immediately overwhelming-is always important.

Awareness meetings are held in park district facilities, libraries and churches throughout Alexian Brothers' area. The Older Adult Institute works with approximately 500 churches of various denominations to house discussions on aging and preventive medicine. And one of the most successful outreach ventures thus far was the Senior Fair held in May, which drew approximately 400 seniors for free screenings in areas such as vision and hearing.

Unfortunately, it's not always possible to stop the spread of health problems. When diseases are advanced, however, special care is offered to give patients hope. According to Pattie Baker, Assistant Vice President at the Oncology Center of Excellence, patients with cancer have reliable nurses to help patients physically and emotionally along the way.

What Baker is referring to is the Patient Navigation system, in which nurses work with patients from the time of diagnosis through chemotherapy or radiation treatments and during periods of recovery. "It's like their own personal coordinator to help them get through," she says. Baker says this strategy is extremely helpful, and she has also found success providing educational classes both at night and during the day, which is important as many elders don't want to go out at night, especially in the winter.

When it comes down to it, the most important strategy always returns to education.

Glumm believes that, more than anything, these community outreach efforts are helping to demystify medical practices for skeptical elders. "For Seniors, Alexian Brothers name recognition comes from our grassroots efforts," says Glumm.

These efforts often come from the Senior Services Department, which helps allocate items for people to help maintain their independence, such as amplified phones and incontinence products at discounted rates.

The Senior Services Department spends a good deal of time educating patients and families about the potential dangers of prescriptions with presentations like "Wise Use of Medications" and the importance of healthy activity with "Nutrition and Exercise-the Perfect Prescription." Of course, the Older Adult Institute doesn't only offer medical advice: "Crime Prevention and Consumer Fraud" is one example of a program that offers smart tips for elders in today's society. Also, a great program "You're Turning 65- So What Do You Need To Know About Medicare?"

As the demographics continue to grow, however, much of the work in other Centers of Excellence is becoming more directly related to the Older Adult Institute. According to Michelle Sanfilippo, PA for Concetta Forchetti MD in the Neuroscience Center of Excellence, her patients are almost exclusively seniors suffering from ailments such as strokes, brain tumors and Alzheimer's Disease. Unfortunately, there's no hiding from the fact that these problems can be debilitating, but that doesn't stop Sanfilippo from intervening with a hefty dose of inspiration.

"Our motto is, 'I'm not going to take care of you; I'm going to teach you how to take care of yourself,'" says Sanfilippo, emphasizing the crucial role of optimism in the face of seemingly crippling diagnoses. And her target is not only the patient: she says it is as important to emphasize positive planning to family members or guardians that often feel weighed down by the burden of having to care for a loved one.

While this process is certainly trying, it is my no means futile. "It's in the beginning that families are more difficult to reach, but after contact is made it's easier to help. Sometimes you need to give people that time," she advises.

Jeff Beichner, Corporate Director of Cardiovascular Services and Vice President of Clinical Services at Alexian Brothers Medical Center, agrees with Sanfilippo's proactive stance, and he has a similar clientele to draw experience from: the average age of a patient receiving open heart surgery is 67.

Like many other physicians working in Centers of Excellence, Beichner's confidence is bolstered by cutting-edge technology. Seniors with heart failure, for example, are able to be digitally monitored from home by standing on a scale with sensors feeding back to the hospital, where they can have their blood pressure taken and heart and oxygen rates evaluated.

According to Beichner, this system makes being readmitted to the hospital less likely, and it also decreases trips to primary care doctors. Most importantly, however, it leaves patients more able to exercise and improve their health. "We don't want to send people home only to bring them back to the hospital-we want to improve their lives and make them productive members of society," says Beichner.

In these programs and in all of the Older Adult Institute's efforts to keep its patients informed and independent, the common thread is always consideration for the individual. And for Glumm, working with Alexian Brothers always ends in satisfaction. "I've been a nurse for 32 years," she says, "and this is the only time I've ever worked in a system that actually does what it believes in for seniors."

[Alexian Brothers Immaculate Conception Province](#)

[Media](#) | [Privacy Policy](#) | [Advertising Policy](#) | [Medical Disclaimer](#)

© Copyright 2007 Congregation of Alexian Brothers.